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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _11 August 2003_ .

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-22 and 28-37_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-10,12-22 and 28-37_ is/are rejected.

7)☒ Claim(s) _11_ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)   4)☐ Interview Summary (PTO-413) Paper No(s). _____ .

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   5)☐ Notice of Informal Patent Application (PTO-152)

3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .   6)☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

2.   This application currently names joint inventors. In considering patentability of the

claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

claims was commonly owned at the time any inventions covered therein were made absent any

evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c)

and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3.   Claims 1-7, 17-19 and 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Turock (USP 6243373) in view of Guy (USP 6298057).

        Regarding claim 1-7, 17-19 and 35-37, Turock discloses (Figs 2-10 and col. 5, lines 19 to

col. 15, lines 54) a method and apparatus for telecommunication over a wide area packet

switched network (Fig 2, Ref 214 is a WAN) comprising sending from a calling party a called

number, corresponding to a called party and including an area code, to a first central office

connected to a first telephone system (Fig 2, Ref 202 is a user for sending a telephone number of

called party to a central office 212 which is connected a first telephone system 210); forwarding

the called number from the first central office to a first telephony server, connected to the first

telephone system and in communication with the wide area packet switched network, via a

signaling channel of the first telephone system (Fig 2, the central office 212 forwards the called

party telephone number to the Server 206 and Fig 3, Ref 204 sends a called party number to the

central office 218 via a signaling channel of the first telephone system; the central office will

forward the called party telephone number to server 216 of Fig 3); identifying a second

telephony serve, in communication with the wide area packet switched network and serving said

called party in a second telephone system, from a routing and administration database by using at

least said area code; sending the called number from the first telephony server to the second

telephony server via said wide area packet switched network (Fig 5, Ref 506 searches for a ITS

node which serves the called party telephone number in the routing and administration database

514 by using an area code number by sending a request for a route "predetermined path"

between the servers; the database replies a message which includes a destination address of the

destination server; See col. 9, lines 26-65); a central office which monitoring the condition of

called party such busy or not, in order to generates a busy signal for transmitting via the servers

to notify the calling party and calling party disconnects a call or not so that the central office to

suspend by the central office (Fig 9 and 10). However, Turock does not disclose allocating a

resource on the wide area packet switched network sufficient to provide a guaranteed level of

service through the wide area packet switched network; and selectively establishing a

communication link, via the resource at least the guaranteed level of service, between the first

telephony server and the second telephony server through the wide area packet switched

network, to establish communication between the calling and called parties. In the same field of

endeavor, Guys discloses (Figs 1-8 and col. 1, lines 15 to col. 16, lines 67) a method and

apparatus which receives a call party number at the server and identifying the destination server

based on the dialed number and allocating a resource on the Wan to provide a guaranteed level

of service through the wide area packet switched network and selectively establishing a

communication link, via the resource at least the guaranteed level of service, between the first

telephony server and the second telephony server through the wide area packet switched

network, to establish communication between the calling and called parties (Fig 5 discloses a

method and apparatus for established a communication path with a guaranteed level of service

520, 522, 526 of Fig 5 between the servers 130 and 112 of Fig 1 and established a voice

communication path between the calling and called parties via a predetermined path between the

servers by using RSVP; the server judges if the calling party requests a guaranteed level of

service or not; See Fig 5, Ref 520); the second predetermined for using to access a master server

which includes a routing and administrator database for receiving a request and transmitting a

reply to the server (Fig 5, Ref 510); the path between the servers being the same link with other

communication the routers can change the rate of any call based on the traffic.

Since, Turock suggests that a voice quality must takes into consideration by applying a

number of different techniques to improve a voice quality between the servers. Therefore, it

would have been obvious to one of ordinary skill in the art at the time of the invention was made

to apply a method and apparatus for using RSVP for allocating resource and establishing a

predetermined path between the servers to improve the voice quality between the users as

disclosed by Guys's method and system into Turock's method and system. The motivation

would have been to reduce a long distance cost and ensure a low delay in the data network which

is used to transmit a voice signal.

4.   Claims 8-10 and 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Turock and Guys as applied to claim 1 above, and further in view of Rosenberg (USP 6304567).

Regarding claims 8-10 and 12-16, Turock and Guys does not disclose a session ID and

channel ID for using established a communication path between servers. However, Rosen

discloses a channel ID which is assigned to the calling party, is used to transmitting between the

servers to performing a signaling message (Fig 2b, Ref 221 uses the channel and Label ID for

communicating between the servers).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the

invention was made to apply a method and apparatus for identifying the received packets based

on the assigned identifier as disclosed by Rosenberg into the system of Turock and Guys. The

motivation would have been to provide a efficient way to communicate the voice packet via

Internet.

5.   Claims 20-22 and 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Yang (RFC 1798) in view of Hogan (USP 5483587), Guys (USP 6298057) and Rosenberg (USP

6304567).

Regarding claims 20-22 and 28-29, Yang teaches sending from a calling party a called

number including an area code to a first central office (central office in area A) connected to a

first telephone system (telephone system in area A), forwarding the called numbered from the

first central office to a first telephony server (INETPHONE server in area A) (see section 1) and

in communication with the wide area network (the Internet), identifying the second telephony

server (INETPHONE server in area B) from a routing and administration data base (directory

server in section 4) using the area code (see section 4), sending the called number from the first

server (INETPHONE server in area A) to the second server (INETPHONE server in area B) via

the WAN (the Internet) and selectively establishing a communication link between the first

server (INETPHONE server in area A) to the second server (INETPHONE server in area B).

Yang, teaches the use of INETPHONE servers (telephony server) to route long distance calls

over the Internet to reduce cost. Yang differs from the claim in that Yang does not teach that the

telephony server receives called numbers from the central office via a signaling channel.

However, such feature is old and well known in the art of telephony. For example, Hogan

teaches that telephony server (302) receives called number from the switching office via a

signaling channel (124) (see figures 3 and 5). The use of signaling channel as a reliable means to

communicate calling data or other types of calling signaling information is old and well known

in the art. Thus, it would have been obvious to one skilled in the art at the time the invention was

made to apply Hogan's teaching of using a signaling channel to communicate called number

from the switching office to the telephony server in Yang's system with the motivation being to

improve transmission reliability of control or signaling information. Yang in view of Hogan still

fails to teach the allocation of resources on the wide area network sufficient to provide

guaranteed level of service through the WAN. However such feature is old and well known in

the art as evidenced by Guys. Specifically, Guys teaches (Figs 1-8 and col. 1, lines 15 to col. 16,

lines 67) a bandwidth allocation for QoS on the WAN packet network for maintaining a

guaranteed QOS in communications within the communications system for transmitting voice

packet and changing data rate based on traffic at the router (Fig 5 discloses a method and

apparatus for established a communication path with a guaranteed level of service 520, 522, 526

of Fig 5 between the servers 130 and 112 of Fig 1 and established a voice communication path

between the calling and called parties via a predetermined path between the servers by using

RSVP; the server judges if the calling party requests a guaranteed level of service or not; See Fig

5, Ref 520) and Rosenberg discloses the use of channel ID and Session ID for identifying the

communication session between the servers (Fig 2b, Ref 221 uses the channel and Label ID for

communicating between the servers). Thus, it would have been obvious to one of ordinary skill

in the art at the time the invention was made to apply either the teaching of a bandwidth

allocation scheme for providing guaranteed services in WAN as taught by Guys in the system of

Yang in view of Hogan with the motivation being to enhance system performance by providing

guaranteed level of services.

Since, Yang suggests that a voice quality must takes into consideration by applying a

number of different techniques to improve a voice quality between the servers. Therefore, it

would have been obvious to one of ordinary skill in the art at the time of the invention was made

to apply a method and apparatus for using RSVP for allocating resource and establishing a

predetermined path between the servers to improve the voice quality between the users as

disclosed by Guys's method and system and signaling network of Hogan and Session and

channel ID as disclosed by Rosenberg's system into Yang's method and system. The motivation

would have been to reduce a long distance cost, ensure a low delay in the data network which is

used to transmit a voice signal and identifying the communication signal between a plurality of

callers.

6.   Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Turock (USP

6243373) in view of Rosenberg (USP 6304567)

Turock discloses (Figs 2-10 and col. 5, lines 19 to col. 15, lines 54) a method and

apparatus for telecommunication over a wide area packet switched network (Fig 2, Ref 214 is a

WAN) comprising sending from a calling party a called number, corresponding to a called party

and including an area code, to a first central office connected to a first telephone system (Fig 2,

Ref 202 is a user for sending a telephone number of called party to a central office 212 which is

connected a first telephone system 210); forwarding the called number from the first central

office to a first telephony server, connected to the first telephone system and in communication

with the wide area packet switched network, via a signaling channel of the first telephone system

(Fig 2, the central office 212 forwards the called party telephone number to the Server 206 and

Fig 3, Ref 204 sends a called party number to the central office 218 via a signaling channel of the

first telephone system; the central office will forward the called party telephone number to server

216 of Fig 3); identifying a second telephony serve, in communication with the wide area packet

switched network and serving said called party in a second telephone system, from a routing and

administration database by using at least said area code; sending the called number from the first

telephony server to the second telephony server via said wide area packet switched network (Fig

5, Ref 506 searches for a ITS node which serves the called party telephone number in the routing

and administration database 514 by using an area code number by sending a request for a route

"predetermined path" between the servers; the database replies a message which includes a

destination address of the destination server; See col. 9, lines 26-65). However, Turock does not

disclose a method and apparatus for assigning a session identifier for a call between the caller

parties for transmitting a signaling message and voice packet between the servers. In the same

field of endeavor, Rosenberg discloses a method and apparatus for assigning a channel and

session ID for a communication between the parties for using to exchanging the signaling and

voice packet between the servers (Fig 2b Ref 221 uses the channel and Label ID for

communicating between the servers).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the

invention was made to apply a method and apparatus for assigning a channel and session ID for a

communication between the servers as disclosed by Rosenberg's system and method into

Turock's system. The motivation would have been to provide an efficient way to transmit the

signaling and voice packet between the servers.

7.   Claims 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Turock and

Rosenberg as applied to claim 30 above, and further in view of Guys (USP 6298057).

Turock and Rosenberg fail to disclose the claimed invention. However, Guy discloses

(Figs 1-8 and col. 1, lines 15 to col. 16, lines 67) a method and apparatus for transmitting a voice

packet via internet with a quality of service by allocating a bandwidth in the Internet between the

servers (Fig 5 discloses a method and apparatus for established a communication path with a

guaranteed level of service 520, 522, 526 of Fig 5 between the servers 130 and 112 of Fig 1 and

established a voice communication path between the calling and called parties via a

predetermined path between the servers by using RSVP; the server judges if the calling party

requests a guaranteed level of service or not; See Fig 5, Ref 520).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the

invention was made to apply a method and apparatus for using RSVP for allocating resource and

establishing a predetermined path between the servers to improve the voice quality between the

users as disclosed by Guys's method and system into a method and system of Turock and

Rosenberg. The motivation would have been to reduce a long distance cost and ensure a low

delay in the data network which is used to transmit a voice signal between the servers.

8.   Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Turock and

Rosenberg and Guy as applied to claim 30 above, and further in view of Hogan (USP 5483587).

Turock, Rosenberg and Guy fail to disclose a signaling network. However, Hogan

discloses teaches that telephony server (302) receives called number from the switching office

via a signaling channel (124) (see figures 3 and 5). The use of signaling channel as a reliable

means to communicate calling data or other types of calling signaling information is old and well

known in the art. Thus, it would have been obvious to one skilled in the art at the time the

invention was made to apply Hogan's teaching of using a signaling channel to communicate

called number from the switching office to the telephony server into Turock, Guy and

Rosenberg.

Response to Arguments

9.   Applicant's arguments filed 8/11/2003 have been fully considered but they are not

persuasive.

In response to applicant's argument at pages 2-3 that there is no suggestion to combine

the references, the examiner recognizes that obviousness can only be established by combining

or modifying the teachings of the prior art to produce the claimed invention where there is some

teaching, suggestion, or motivation to do so found either in the references themselves or in the

knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071,

5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir.

1992). In this case, Turock clearly suggests that one of ordinary skill in the art would apply a

number of different techniques to improve voice quality in the call setup message. Guy discloses

a method for improving the quality of the voice signal by allocating he bandwidth along a

predetermined path between the gateways for routing the voice path by using a RSVP.

Therefore, it would have been obvious to one of ordinary skill in the art to apply the teaching of

Guy into Turock's system in order to obtain a quality voice signal at the destination as claimed

1-7, 17-19 and 35-37.

In response to pages 3-5, the applicant states that Turock and Guy fail to disclose a

predetermined path. In reply, Turock discloses a routing and administration server for storing

the routing path between the gateways such as LCR. the routing path is established between the

gateways in order to obtain the least cost routing. Gateway sends a query message to the routing

and administration server in order to receive a response that including a destination address of

the gateway in order to routing the call setup to the destination gateway via a predetermined path

of LCR. Furthermore, Guy discloses that a gateway obtains a routing path from a routing and

administration server and send a call setup for allocating the bandwidth for the call between the

gateways via a predetermined path between the gateways as claimed 2-4, 7, 17, 19 and 35-37.

In response to page 5, the applicant states that Turrok and Guy do not disclose a quality

of service of calling party. In reply, Guy discloses a routing and administration server for storing

the QOS of the calling party in order to be retrieved when the subscriber requests for allocate the

bandwidth for the telephone call (See col. 11, lines 45 to col. 12, lines 21).

In response to pages 6-7, the applicant states that Turock, Guy and Rosenberg fail to

disclose the claimed invention. In reply, Rosenberg discloses a channel ID which reads on

session identifier for identifier a call attempt "attempt only one" between the called and calling

party and Turock and Guy discloses a step of sensing the condition of the calling party when the

party pick up a telephone and sending a dialed number or hang-up or not information to the

gateway wherein the signaling message of the prior arts includes the telephone number of calling

party (See col. 13, lines 28-46 and col. 14, lines 39-65) and channel ID of Rosenberg of as

claims 8-10 and 12.

In response to pages 7-8, the applicant states that Turock, Guy and Rosenberg fail to

disclose a step of assigning trunk line based on the identifier. Turock, Guy and Rosenberg are

implicitly disclosed this step otherwise the communication signal can not transmit to the central

office as claims 13-16.

In response to page 8, the applicant states that Guys and Rosenberg do not disclose a

predetermined path. In reply, Guy discloses a predetermined path between the gateways for

using to allocated bandwidth for the call; if the predetermined path does not have enough

bandwidth to allocate for the call, the gateway will reject the call and routing the call via WAN

by using a best effort method and Rosenberg disclosed a method of routing a call via a

predetermined path between the gateways when received a second telephone call (See col. 3,

lines 12-38) as claim 21-22.

In response to page 8, the applicant states that Guys and Rosenberg fails to disclose the

session identifier of claim 30-34. In reply, Rosenberg discloses this step as indicated in the

argument that set forth for claim 8.

In response to applicant's argument that the references fail to show certain features of

applicant's invention, it is noted that the features upon which applicant relies (i.e., the

communication path is determined prior to the initiation of a call by a calling party and dedicated

virtual path) are not recited in the rejected claim(s). Although the claims are interpreted in light

of the specification, limitations from the specification are not read into the claims. See *In re Van*

Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Allowable Subject Matter

10.   Claim 11 is objected to as being dependent upon a rejected base claim, but would be

allowable if rewritten in independent form including all of the limitations of the base claim and

any intervening claims.

Conclusion

11.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Steven HD Nguyen whose telephone number is (703) 308-8848.

The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Huy D Vu can be reached on (703) 308-6602. The fax phone number for the

organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (703) 305-4700.

Steven HD Nguyen
Primary Examiner
Art Unit 2665
October 18, 2003